

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:23-cv-117-FL**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Defendant Town of Sunset Beach respectfully moves the Court for entry of an Order dismissing the Plaintiff's claims for punitive damages against it. As the Defendant Town will explain more fully in the accompanying memorandum of law, municipal corporations are generally immune from punitive damages under both federal law and North Carolina state law.

Accordingly, the Defendant Town of Carolina Beach respectfully contends that its motion should be GRANTED and the Plaintiff's punitive damages claims against the Defendant Town should be DISMISSED WITH PREJUDICE.

This the 7th day of April, 2023.

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CERTIFICATE OF SERVICE

I certify that on April 7, 2023, I electronically filed the foregoing MOTION TO DISMISS with the Clerk of the Court using the Court's electronic filing system which will send notification of such filing to all counsel of record in this matter.

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This is the 7th day of April, 2023

/s/Norwood P. Blanchard, III
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